

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 24, 2002 LB 82, 718

CLERK: Mr. President, the next component is FA823. That consists of the Sections 15 and 16 of the original committee amendment. (Legislative Journal pages 363-364.)

SENATOR CUDABACK: Senator Brashear, you're recognized to open on part three.

SENATOR BRASHEAR: Mr. President, members of the body, this division, Sections 15 and 16 of the amendment were LB 718 and provide that before a court accepts a guilty plea or a plea of nolo contendere, which is no context, to a crime that the court shall give an advisement to the defendant on the record of the possible consequences of doing so when that individual is not a United States citizen. Such consequences include being removed from the United States and denial of naturalization or citizenship in the United States. Under the amendment, the court shall allow the defendant more time to consider whether to plea in light of that advisement. If the court does not advise the defendant of such possible consequences and the defendant is subject to deportation or denial of naturalization, then the court may vacate the judgment and permit the defendant to withdraw his or her plea and enter a not guilty plea in lieu thereof. Also the amendment states that the Legislature's intent in enacting this legislation is to promote fairness by incorporating appropriate warnings of such special consequences which may result from a plea. In addition, it is the intent to give the defendants a reasonable amount of time to negotiate with prosecution in these cases. No defendant shall be required to disclose his or her legal status to a court in that process. That's the substance of the division of the committee amendment that is before you and I would urge its advancement. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on part three. Open for discussion. There are no...there are no lights on Senator Brashear. Did you wish to close? Senator Brashear waives closing. The question before the body is part three of the divided question, being FA823. All in favor of that vote aye, opposed nay. Voting on part three of the divided question. Have you all voted who care to? Record, please, Mr. Clerk.